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Attorneys for Plaintiff,
JOHN FULTON DINGLEY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JOHN FULTON DINGLEY

Plaintiff

v.

UNITED STATES OF AMERICA;
UNITED STATES POSTAL
SERVICE

Defendants

CASE NO:

COMPLAINT FOR DAMAGES

1. NEGLIGENCE – MOTOR
VEHICLE

COMES NOW PLAINTIFF JOHN FULTON DINGLEY, complaining of
Defendants and alleges as follows:

I.

JURISDICTION

1. This action is brought pursuant to the Tort Claims Act, 28 U.S.C.
§2671 et seq. Jurisdiction is founded on 29 U.S.C. §§1346(b).

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1 **II.**

2 **VENUE**

3 2. Venue is proper in the Central District of California. The motor
4 vehicle accident giving rise to this complaint occurred near Sequoia Ave, South
5 of Flora Drive in Simi Valley, CA, which is within the present judicial district.
6 Plaintiff also resides within this judicial district.
7

8 **III.**

9 **PARTIES**

10 3. Plaintiff JOHN FULTON DINGLEY (hereafter "PLAINTIFF") is
11 and at all relevant times was a resident of Los Angeles County, California.
12

13 4. At all times relevant herein, the Defendant THE UNITED STATES
14 OF AMERICA is a governmental entity. The Defendant UNITED STATES
15 POSTAL SERVICE was and is an agency of the Defendant THE UNITED
16 STATES OF AMERICA.
17

18 **IV.**

19 **FACTS COMMON TO ALL ACTIONS**

20 5. On April 7, 2021, Plaintiff John Fulton Dingley's bicycle was struck
21 by a United States Postal Service vehicle making a left turn onto Sequoia Ave.
22 On information and belief, the vehicle was operated by UNITED STATES
23 POSTAL SERVICE employee Jarret Sydney.
24

25 6. On said date, the driver of the United States Postal Service vehicle,
26 an employee of Defendants UNITED STATES OF AMERICA, UNITED
27 STATES POSTAL SERVICE drove carelessly, negligently and with extreme
28

1 reckless, including, but not limited to, making a left turn without looking for
2 oncoming traffic and yielding to such traffic.

3 7. In so executing the turn, the driver of the Veterans Affairs Hospital
4 Security vehicle, an employee of Defendants UNITED STATES OF AMERICA,
5 UNITED STATES POSTAL SERVICE carelessly and negligently struck JOHN
6 FULTON DINGLEY bicycle which was proceeding straight and northbound on
7 Sequoia Ave, and had the right of way.
8

9 8. On September 16, 2021, the Plaintiff submitted a claim for
10 \$2,000,148.65 based on the allegations herein to the United States Postal Office.
11 There has been no substantive response to the claim including no written offer or
12 denial. Accordingly, Plaintiff has complied with the requirements of the Federal
13 Tort Claims Act for the timely filing of claims. Plaintiff hereby institutes the
14 present lawsuit.
15

16 **V.**

17 **FIRST COUNT/CAUSE OF ACTION**

18 **NEGLIGENT OPERATION OF A MOTOR VEHICLE**

19 9. Plaintiff incorporates herein by reference paragraphs 1 through 8,
20 above as though fully set forth herein.
21

22 10. On April 7, 2021 a UNITED STATES OF AMERICA, UNITED
23 STATES POSTAL vehicle was operated by a UNITED STATES OF AMERICA
24 agent or employee, JARRET SYDNEY, as he was in the course and scope of
25 his/her employment with Defendants UNITED STATES OF AMERICA,
26 UNITED STATES POSTAL SERVICE.
27

1 11. The UNITED STATES OF AMERICA, UNITED STATES
2 POSTAL SERVICE employee was driving negligently and carelessly, including
3 but not limited to making an unsafe left turn into oncoming traffic and the
4 PLAINTIFF.

5
6 12. The UNITED STATES OF AMERICA, UNITED STATES
7 POSTAL SERVICE and its agents and employee acted carelessly, recklessly,
8 unskillfully, unlawfully, tortiously, wantonly and wrongfully entrusted,
9 permitted, managed, serviced, repaired, inspected, maintained, operated,
10 controlled, and drove the Post Office vehicle as to proximately cause the same to
11 collide against the vehicle in which Plaintiff, JOHN DINGLEY, was then
12 driving, as aforesaid, thereby proximately causing the injuries and damages
13 hereinafter mentioned.

14
15 13. The UNITED STATES OF AMERICA, UNITED STATES
16 POSTAL SERVICE employee, JARRET SYDNEY, was also negligent in failing
17 to keep attentive as to his or her whereabouts and oncoming traffic. Said
18 Defendant knew or should have known that there was oncoming traffic and
19 attempting a left turn in front of said traffic would be unsafe, all of which
20 negligence, carelessness and recklessness constituted the proximate cause of him
21 striking the Plaintiff.

22
23 14. As a proximate result of each and all of the aforesaid acts and
24 omissions of the Defendants, Plaintiff was injured about his body and its
25 members and was rendered sick, sore, lame and disabled, and was injured in
26 health, strength and activity, a portion of said injuries being permanent. As a
27

1 result of said injuries, Plaintiff has had, and in the future will have, physical,
2 mental and emotional pain, suffering, worry and anxiety.

3 15. As a proximate result of each and all of the aforesaid acts and
4 omissions of the Defendants, Plaintiff suffered grave and serious mental anguish,
5 fear, anxiety and illness, a portion of said injuries being permanent. As a
6 proximate result of said injuries and damages, Plaintiff has had, and in the future
7 will have, physical, mental and emotional pain, suffering, worry and anxiety.

8 16. By reason of said injuries, Plaintiff has incurred, and probably will
9 incur in the future, hospital, surgical, ambulance, medical, nursing and household
10 expenses, all to his further damage.

11 17. By reason of said injuries, Plaintiff was unable to do his usual work
12 for a period of time, has been unable to do a portion of his work since that time,
13 will be partially disabled in the future and have sustained damage to his future
14 earning capacity, all to their damage, according to proof.

15 18. By reason of said injuries, Plaintiff has sustained damage to his
16 future earning capacity, all to his further damage, according to proof.

17 19. As a proximate result of each and all of the aforesaid acts and
18 omissions of the Defendants, Plaintiffs' bicycle sustained approximately \$148.65
19 dollars in damage.

20 20. By reason of said collision, Plaintiff was deprived of the use of an
21 bicycle for a period of time, all to Plaintiffs' further damage, according to proof.

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VI.

PRAYER

WHEREFORE, Plaintiff demands the following relief, jointly and severally, against all the Defendants;

a) For damages for injuries sustained due to the negligence of the UNITED STATES OF AMERICA; UNITED STATES POSTAL SERVICE and employees, including past and future medical expenses, lost wages, loss of earning capacity, pain and suffering, mental anguish, and all other appropriate damages resulting from his injuries in the sum of \$2,000,148.65;

b) Costs of suit necessarily incurred herein; and

c) Such further relief as the Court deems just or proper.

DATE: September 27, 2022

HOWELL LLP



By: _____

JONATHAN E. HOWELL
Attorneys for Plaintiff,
JOHN FULTON DINGLEY